

# **EXHIBIT 6**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-----x  
IN RE GOOGLE PLAY STORE Case No.  
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:  
Epic Games Inc. v. Google LLC, et al.,  
Case No: 3:20-cv-05671-JD

In re Google Play Consumer  
Antitrust Litigation,  
Case No: 3:20-cv-05761-JD

In re Google Play Developer  
Antitrust Litigation,  
Case No: 3:20-cv-05792-JD

State of Utah, et al.,  
v. Google LLC, et al.,  
Case No: 3:21-cv-05227-JD

-----x  
\*HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY\*

VIDEOTAPED DEPOSITION OF  
PAUL BANKHEAD  
Wednesday, May 11, 2022

Reported By: Lynne Ledanois, CSR 6811

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 2

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-----x  
IN RE GOOGLE PLAY STORE Case No.  
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:  
Epic Games Inc. v. Google LLC, et al.,  
Case No: 3:20-cv-05671-JD

In re Google Play Consumer  
Antitrust Litigation,  
Case No: 3:20-cv-05761-JD

In re Google Play Developer  
Antitrust Litigation,  
Case No: 3:20-cv-05792-JD

State of Utah, et al.,  
v. Google LLC, et al.,  
Case No: 3:21-cv-05227-JD

-----x  
Videotaped deposition of PAUL BANKHEAD,  
taken at MORGAN LEWIS & BOCKIUS, 1400 Page Mill  
Road, Palo Alto, California, commencing at  
9:04 a.m., on Wednesday, May 11, 2022, before Lynne  
Ledanois, Certified Shorthand Reporter No. 6811.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

Counsel for Plaintiff Epic Games, Inc. in:  
Epic Games, Inc. v Google LLC, et al:

CRAVATH, SWAINE & MOORE LLP

BY: YONATAN EVEN

ELIZABETH SHEREFF

Attorneys at Law

825 Eighth Avenue

New York, New York 10019

yeven@cravath.com

eshereff@cravath.com

Counsel for the Proposed Class In re: Google  
Play Developer Antitrust Litigation and Pure  
Sweat Basketball, Inc:

HAGENS BERMAN SOBOL SHAPIRO LLP

BY: TED WOJCIK

Attorney at Law

1301 Second Avenue

Suite 2000

Seattle, Washington 98101

tedw@hbsslaw.com

///

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 4

APPEARANCES

Counsel for the Consumer Plaintiffs In re:  
Google Play Consumer Antitrust Litigation:  
KAPLAN FOX & KILSHEIMER LLP

BY: HAE SUNG NAM

AARON SCHWARTZ

Attorneys at Law

850 Third Avenue

New York, New York 10022

hnam@kaplanfox.com

Aschwartz@kaplanfox.com

Counsel for Google LLC, et al:

MUNGER TOLLES & OLSON LLP

BY: JONATHAN KRAVIS

DANE P. SHIKMAN

Attorneys at Law

601 Massachusetts Avenue NW

Suite 500E

Washington, DC 20001

jonathan.kravis@mto.com

dane.shikman@mto.com

///

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 5

APPEARANCES

Counsel for District of Columbia:

OFFICE OF THE ATTORNEY GENERAL

BY: ADAM GITLIN

Attorney at Law

400 6th Street, NW

Suite 10100

Washington, DC 20001

adam.gitlin@dc.gov

Counsel for State of Utah:

LIEFF CABRASER HEIMANN & BERNSTEIN LLP

BY: BRENDAN GLACKIN

275 Battery Street

29th Floor

San Francisco

bglackin@agutah.gov

ALSO PRESENT:

Cyril Suszckiewicz, Videographer

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 121

1 BY MS. NAM:

2 Q Is it your understanding that Facebook  
3 used that product AlleyOop?

4 A I believe they used it on a trial basis.

5 Q Do you know if other applications used  
6 AlleyOop besides Facebook?

7 A I believe there was a small list of kind  
8 of -- it was a beta product, there was a small list of  
9 developers that tried it.

10 Q Okay. Do you recall who those developers  
11 were?

12 A I believe Pinterest and Twitter and some  
13 others, but the others have left my memory.

14 Q Do you have an understanding as to why  
15 Google offered these products to those applications?

16 A I believe they asked for it.

17 Q If you take a look at the document at the  
18 page Bates stamped 412.

19 A Yes.

20 Q And if you look at Mr. Petrillo's email  
21 sent at 8:01 a.m.

22 A Yes.

23 Q Who is Mr. Petrillo?

24 A Mr. Petrillo was a member of a business  
25 strategy team in Google Play.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 134

1 by the court reporter.)

2 BY MS. NAM:

3 Q I'll represent to you this is a document  
4 that was found in your files.

5 A Okay.

6 Q Do you recognize this document at all?

7 A Vaguely.

8 Q What do you recognize about this document?

9 A The concepts in it.

10 Q Can you explain the concepts in it that  
11 you recognize?

12 A It looks like a program describing the thing  
13 called the -- internally was called AlleyOop.

14 Q So the Google Play app access program  
15 addendum is referring to the AlleyOop product?

16 A Yes.

17 Q And if you take a look at the program  
18 description, it says, "Google is offering a beta  
19 group of publisher partners the opportunity to  
20 participate in the program."

21 Do you see that?

22 A Yes.

23 Q What is a publisher partner?

24 A A publisher is another word for an app  
25 developer.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 135

1 Q Okay. Were there certain types of app  
2 developers that Google was offering this program to?

3 A I don't remember the criteria we used to  
4 select who was in the program.

5 Q Was it social platforms?

6 A I don't recall that being a criteria.

7 Q So if you go down to Part 3.

8 A Eligibility requirements?

9 Q Eligibility requirements. "In order to  
10 participate in the program, publisher must meet the  
11 following eligibility requirements: A, during the  
12 term, publisher must be in compliance and maintain  
13 compliance with the Google Play developer program  
14 policies."

15 A Yep.

16 Q "And the DDA and all applications  
17 distributed through Google Play in all territories."  
18 Right?

19 A Yes.

20 Q "B, Publisher must not distribute other  
21 than pre-installed APKs or update any first-party or  
22 any third-party APKs by any mechanism other than  
23 Google Play in any application in all territories."

24 Do you see that?

25 A Yes.

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 218

1 I, LYNNE M. LEDANOIS, a Certified  
2 Shorthand Reporter of the State of California, do  
3 hereby certify:

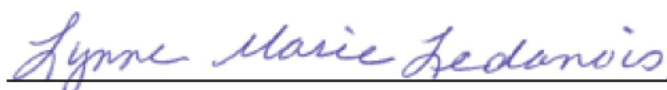
4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that a record of the proceedings was made by me  
7 using machine shorthand which was thereafter  
8 transcribed under my direction; that the foregoing  
9 transcript is a true record of the testimony given.

10 Further, that if the foregoing pertains to  
11 the original transcript of a deposition in a Federal  
12 Case, before completion of the proceedings, review  
13 of the transcript [X] was [ ] wasn't requested.

14 I further certify I am neither financially  
15 interested in the action nor a relative or employee  
16 of any attorney or party to this action.

17 IN WITNESS WHEREOF, I have this date  
18 subscribed my name.

19  
20 Dated: May 12, 2022.

21  
22  
23 

24 \_\_\_\_\_  
LYNNE MARIE LEDANOIS

25 CSR No. 6811

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 221

In Re Google Play Store Antitrust Litigation

5/11/2022 - Paul Bankhead (#5122889)

ACKNOWLEDGEMENT OF DEPONENT

I, Paul Bankhead, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

\_\_\_\_\_  
Paul Bankhead

\_\_\_\_\_  
Date

\*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC